

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	
Connect America Fund	)	WC Docket No. 10-90
	)	

**REPLY COMMENTS OF PINE TREE TELEPHONE LLC**

Pine Tree Telephone, LLC (“Pine Tree”), an Otelco Inc. subsidiary, hereby submits these Reply Comments regarding the Federal Communications Commission’s (“FCC” or “Commission”) July 29, 2015 Public Notice which published the Wireline Competition Bureau’s (“Bureau”) Preliminary Determination of Rate-of-Return Study Areas 100 Percent Overlapped by Unsubsidized Competitors dated July 29, 2015 (“Notice”).<sup>1</sup>

As stated in its Opening Comments, Pine Tree is a rate-of-return rural incumbent local exchange carrier which operates in the Gray/New Gloucester area of southern Maine. The Bureau alleges that Time Warner Cable (“TWC” or “Time Warner”) and/or Comcast offer fixed voice and fixed broadband (at speeds of at least 10/1 Mbps) to 100% of the homes and businesses within Pine Tree’s study area (SAC 10020).<sup>2</sup> In its Comments, Pine Tree presented evidence refuting the Bureau’s preliminary finding. Pine Tree provided a list of over 40 addresses TWC does not serve along with the screen prints from TWC’s website confirming the lack of service at those addresses. This evidence, on its own, provides a sufficient basis for the Commission to find that Pine Tree’s study area is not 100% covered.

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<sup>1</sup> See Wireline Competition Bureau Publishes Preliminary Determination of Rate-of-Return Study Areas 100 Percent Overlapped by Unsubsidized Competitors, WC Docket No. 10-90, Public Notice (rel. July 29, 2015) (“Public Notice”).

<sup>2</sup> See Notice at ¶ 5, 100% Overlap Map at <https://www.fcc.gov/maps/100pct-overlap-map>.

In addition to the evidence provided by Pine Tree, the comments of both TWC and Comcast support Pine Tree's position. TWC states that it conducted a detailed review of the service areas in question with the help of an outside contractor. TWC Comments at 2. With regard to Pine Tree's study area, TWC states that it was "unable to confirm that it serves 100 percent of the incumbent carrier's study area." *Id.* TWC's filing included a confidential, detailed listing of the addresses it serves within Pine Tree's study area. The listing includes addresses that TWC states are unserved or only partially served. TWC Comments at Exhibit 3.

Comcast, which serves only a small part of Pine Tree's study area, states in its Comments that "Comcast does not claim that it offers broadband service to every location within each of those census blocks." Comcast at 1. Comcast notes that the FCC's 477 data does not provide reliable information for determining 100% coverage of a study area because Form 477 only requires a carrier to note whether it serves *any* addresses in a census block, not whether the carrier serves *all* of the addresses in a census block. Comcast at 1-2. Indeed, the Bureau itself has acknowledged that it assumed that a competitor served 100% of the homes or businesses with a census block, even if the competitor actually served only one or two locations.<sup>3</sup>

Based upon the totality of evidence presented by Pine Tree and TWC, and Comcast's Comments, the Commission should remove Pine Tree from application of the 100 Percent Overlap Rule. High-cost universal service support is critical to Pine Tree's mission of providing quality and affordable voice and broadband service in its rural Maine study area. Given the facts presented here, the elimination of such funding would erroneously eliminate \$463,482 in USF funding that Pine Tree will use to expand broadband to rural customers who do not have competitive alternatives.

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<sup>3</sup> Notice at ¶ 7.

### III. CONCLUSION

As the evidence provided above proves, the Bureau's preliminary determination to apply the 100% Coverage Rule to Pine Tree is incorrect. Pine Tree's service area is not 100 percent overlapped by unsubsidized competitors. Accordingly, Pine Tree respectfully requests that it be removed from the Bureaus's list and not subject to application of the 100% Overlap Rule.

Respectfully submitted,

A handwritten signature in blue ink, reading "Trina M. Bragdon". The signature is fluid and cursive, with a horizontal line drawn underneath the name.

Trina M. Bragdon  
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Dated: September 28, 2015

**Certificate of Service**

I, Trina M. Bragdon, certify that on September 28, 2015, I filed the above Reply Comments of Pine Tree Telephone LLC, with the Federal Communications Commission via the Electronic Comment Filing System. In addition, I provided copies of the filing to counsel for Time Warner Cable and Comcast via e-mail.

A handwritten signature in blue ink, appearing to read "Trina M. Bragdon", with a long horizontal flourish extending to the right.

Trina M. Bragdon